

REMARKS/ARGUMENTS

Claims 1 to 33 are currently pending.

Claim 9 and its dependant claims are rejected under 35 U.S.C. 112, as failing to comply with the written description requirement as being indefinite for failing to particularly point out and distinctly claim the invention's subject matter.

Claims 1-2,6,9-10, 16, 19, 22-24, 26, 29-31 are rejected as anticipated by Gross et al. (U.S. Patent Publication No. 2004/0143564 A1) pursuant to Section 102(e). Claims 7, 17, 21, 25, 27, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross, in view of Berstis (U.S. Patent No. 6,182,122). Claims 8 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross, in combination with Berstis, and Martin et al. (U.S. Patent No. 5,867,706).

Applicant's invention

The Applicant's invention is a method for interacting with web pages in general and web searches in particular. In one embodiment, the invention collects search results from search engines, and allows the end user to view the search results concurrently. In order to optimally use bandwidth and processing power available to modern web browsing workstations, the invention includes the ability to simultaneously review more than one web page and to download multiple web pages concurrently. In one embodiment, these concurrently downloaded web pages are being viewed by the user while others are being downloaded in the background and cached for later viewing.

§112 Rejections

The Examiner has requested that Applicant clarify the scope of claim 9 and dependant claims.

Independent Claim 9 is amended to recite a method of selecting and viewing web content in a single web browser instance wherein at least two (a first and a second) fully functional webpages are viewed simultaneously, both being individually displayed within

a single browser instance. The previous iteration of the claim indicated that the web pages are “additional” and “related.” The relationship between the pages intended in the prior claim was that of resulting from the same search criteria, not that the webpages referenced each other. The claim as currently drafted clarifies the relationship between the webpages. Support for a single instance of a web browser showing at least two independent webpages is found in the Specification on page 23, lines 15-18 wherein the specification discusses Figure 10 showing a single web browser 1001 instance operating on two webpages 1003, 1005.

As such, applicant submits that the subject matter of claim 9 is disclosed by the specification and the claim is now free of any indefiniteness issues.

§102 and §103 Rejection in View of Gross

Examiner has rejected all pending claims of the present application in view of Gross, either alone or in combination with other patents and publications. As such, all substantive claim rejections rely on Gross’s patent application.

In response, the Applicant respectfully submits the following affidavit pursuant to 37 C.F.R. 1.131 establishing a date of invention of the present application before the earliest of the priority dates for the Gross patent.

The priority date of the present application is the date of filing of the parent provisional Application on September 10, 2002. The cited Gross patent was filed on September 3, 2003 as claiming priority to a provisional application filed on September 3, 2002. The provisional application was assigned serial number 60/408,015 (the ‘015 provisional). By the means of the attached affidavit, Applicant establishes an invention date to overcome the 7 day gap between the filing of the Applicant’s provisional application and Gross’s ‘015 provisional application.

In support of the earlier date of invention, Applicant attaches an affidavit by the sole inventor and evidence in the form of dated source code, excerpts from dated source code, and a draft of Applicant’s Provisional application. The invention was completed within the U.S. Applicant respectfully presents that the attached affidavit and evidence is sufficient to establish a prior invention pursuant to § 1.131. Specifically,

Applicant submits that the source code entries submitted with the affidavit demonstrate that conception of the invention occurred prior to the effective date of the reference and was “coupled with due diligence from prior to the reference date to the filing date of the application.” MPEP 715.07.

Inasmuch as the Applicant is entitled to a date of invention prior to the earliest priority date of the Gross patent, Applicant submits that Gross cannot be relied upon as a reference in a rejection.

Notwithstanding the foregoing, the principal disclosure of the ‘015 application is the “Viewer” program. The “Viewer” program disclosed in the ‘015 provisional fails to disclose critical elements of applicant’s claimed invention.

Specifically, both claims 9 and 22 include viewing at least two webpages simultaneously. No discussion of this feature is found in the ‘015 application.

Instead, the ‘015 application is limited to a *single* view pane.

Applicant respectfully submits that the claims, as amended, define allowable subject matter and respectfully requests that a Notice of Allowance be issued. If the Examiner feels that a telephonic interview will expedite allowance, he is urged to call the undersigned at the phone number provided. Claims 1-2, 6-10, 16-17, 19, 21-31, and 33 were rejected and are currently pending. Claim 9 is amended.

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Respectfully submitted,

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